EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3 DOCKET NO.: 2007-1078-MWD-E TCEQ ID: RN102186889 CASE NO.: 34141

RESPONDENT NAME: HONDO HEALTHCARE & REHABILITATION CENTER, INC. (PREVIOUSLY KNOWN AS HARVEST COMMUNITIES OF HOUSTON, INC.)

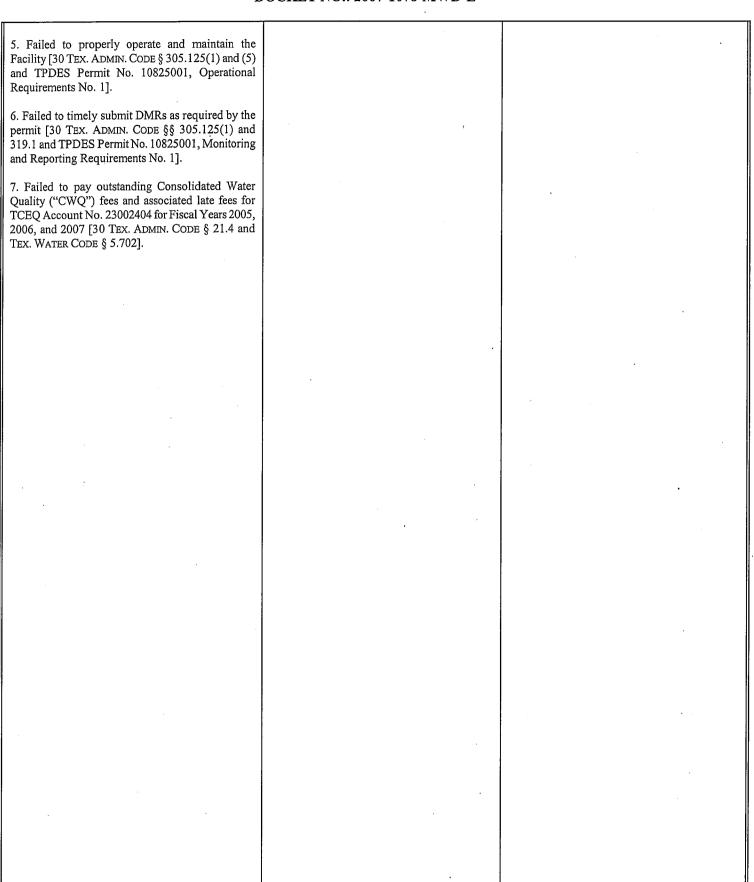
		
ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_shutdown order	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
<u>X</u> WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
Aldine Mail Road, Harris County	ED: 10110 Airline Drive at the northeast corn	er of the intersection of Airline Drive and
TYPE OF OPERATION: Wastewater treats	nent facility for a healthcare center	
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: Ther regarding this facility location.	re are no complaints. There is no record of add	litional pending enforcement actions
INTERESTED PARTIES: No one other tha	nn the ED and the Respondent has expressed an	n interest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on September 22	2, 2008. No comments were received.
Ms. Lena Roberts TCEQ Enforcement Coordinator: TCEQ Regional Contact: Mr. Step	, Litigation Division, MC R-12, (713) 422-891 s, Litigation Division, MC 175, (512) 239-0019 Mr. Craig Fleming, Waste Enforcement Section then Smith, Houston Regional Office, MC R-12 st, President and CEO, Hondo Healthcare & Rel	9 on, MC 149, (512) 239-5806 2, (713) 767-3581
	ented by counsel in this enforcement action.	

RESPONDENT NAME: HONDO HEALTHCARE & REHABILITATION CENTER, INC. (PREVIOUSLY KNOWN AS HARVEST COMMUNITIES OF HOUSTON, INC.) DOCKET NO.: 2007-1078-MWD-E

Г	OCKET NO.: 2007-1078-MWD-E	
VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$15,408	Corrective Action(s) Taken:
Complaint _X Routine Enforcement Follow-up Records Review	Total Deferred: \$0 Expedited Settlement Financial Inability to Pay SEP Conditional Offset	The Executive Director recognizes that: 1. Respondent no longer owns or operates the Facility;
Date of Complaint Relating to this Case: None	Total Paid/Due to General Revenue: \$533/\$14,875	Respondent no longer has access to the Facility; and
Date of Investigation Relating to this Case: April 11, 2007 Date of NOE Relating to this Case: May 7, 2007	The Respondent has paid \$533 of the administrative penalty. The remaining amount of \$14,875 shall be payable in 35 monthly payments of \$425 each.	3. Respondent's Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10825001 expired on or about May 1, 2008.
Background Facts: The case was referred to the Litigation Division on January 10, 2008. The EDPRP was filed on February 28, 2008. The Respondent filed an answer and the case was scheduled for an evidentiary hearing. On or about September 22, 2008, the Executive Director received a signed settlement agreement and initial payment from the Respondent.	Site Compliance History Classification: High _X AveragePoor Person Compliance History Classification:High _X AveragePoor Major Source:Yes _X No	Technical Requirement(s): The Respondent shall undertake the following technical requirements: 1. Within 90 days, pay all outstanding CWQ fees and associated late fees for TCEQ Account No. 23002404.
Current Compliance Status: Respondent no longer owns the Facility. The new owner is Aldine Community Care Center, Inc.	Applicable Penalty Policy: September 2002	2. Within 105 days, submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or records to demonstrate compliance with the above Ordering Provision.
MWD:		
1. Failed to implement a nuisance prevention system to mitigate odor and noise [30 Tex. Admin. Code §§ 305.125(1) and 309.13(e)(2) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10825001, Other Requirements No. 3].		
2. Failed to submit DMRs as required by the permit [30 Tex. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 10825001, Monitoring and Reporting Requirements No. 1].		
3. Failed to have all the required monitoring and reporting records available for review upon request [30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. 10825001, Monitoring and Reporting Requirements No. 3.b.].		
4. Failed to correctly calculate and report the monitoring data based on the required monitoring frequency for November 2005 [30 Tex. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 10825001, Monitoring and Reporting		·

Requirements No. 1].

RESPONDENT NAME: HONDO HEALTHCARE & REHABILITATION CENTER, INC. (PREVIOUSLY KNOWN AS HARVEST COMMUNITIES OF HOUSTON, INC.) DOCKET NO.: 2007-1078-MWD-E



Policy Revision 2 (Sep	-	n Worksheet (PCW)	CW Revision June 26, 2007
TCEQ			
DATES Assigned PCW		EPA Due	
RESPONDENT/FACILITY	INFORMATION		
	Hondo Healthcare and Rehabiltation Center,	Inc. (previously known as Harvest Commu	inities of
	Houston, Inc.)	· · · · · · · · · · · · · · · · · · ·	·
Reg. Ent. Ref. No. Facility/Site Region		Major/Minor Source Minor	
Facility/Site Region	12-11003:011	Wajor/Willior Source Willion	
CASE INFORMATION			
Enf./Case ID No.		No. of Violations 7	
Docket No. Media Program(s)	2007-1078-MWD-E Water Quality	Order Type 1660 Enf. Coordinator Catherine Albr	echt
Multi-Media	The state of the s	EC's Team EnforcementTe	
Admin. Penalty \$ I	imit Minimum \$0 Maximum	\$10,000	·
	Penalty Calcula	tion Section	
TOTAL BASE PENAL	TY (Sum of violation base penalties	s) Subtotal 1	\$14,400
	 In the Control of the C	er for i hanne er han stelle hanne for i territoria er event dan er et er i en er et en er en er en er en er e De en	Digitalangan kamakan dikerantah di kaba-
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by t	he indicated percentage	
Compliance Histo		Enhancement Subtotals 2, 3, & 7	\$1,008
gagging of the second control of the second	The Respondent has one NOV for same or	- 1	
Notes	self-reported effluent vic	and the second of the second o	
Culpability	No 0%	Enhancement Subtotal 4	\$0
Notes	The Respondent does not meet the	culpability criteria.	
Good Faith Effor		Reduction Subtotal 5	\$0
Extraordinary	Before NOV NOV to EDPRP/Settlement Offer		·
Ordinary			
N/A	(mark with x)		
Notes	The Respondent does not meet the	good faith criteria.	·
	0%	Enhancement* Subtotal 6	\$0
др.ша, как а автомочен васто со двесто во Approx. (at the Total EB \$ Amount	
SUM OF SUBTOTAL	s 1-7	Final Subtotal	\$15,408
	S JUSTICE MAY REQUIRE	Adjustment	\$0
Reduces or enhances the Final S	ubtotal by the indicated percentage. (Enter number only;	e.g30 for -30%.)	
Notes			
	to the stage of th		045.400
		Final Penalty Amount	\$15,408
STATUTORY LIMIT A	DJUSTMENT	Final Assessed Penalty	\$15,408
DEFERRAL		0% Reduction Adjustment	\$0
	alty by the indicted percentage. (Enter number only; e.g.		
Notes	Deferral not offered for non-exped	dited settlement	
PAYABLE PENALTY	되는 병원 이 보는 아이라고 생각하는 화사들은 화경하다 하게 되었다. 함께 다	요즘 그 하나겠다다. 김 집에 얼마나 바람들은 그 사람이 살아가 있다면 말했다.	\$15,408

Screening Date 11-Jun-2007

Docket No. 2007-1078-MWD-E

PCW

Respondent Hondo Healthcare and Rehabiltation Center, Inc. (previou

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

Case ID No. 34141

Reg. Ent. Reference No. RN102186889

Media [Statute] Water Quality

mpliance History Component	Number of	Enter Number Here	Adjust.	
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%	
	Other written NOVs	1	2%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%	
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	·
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	Ő	0%	
	Plea	se Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
Ollici	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment P	ercentage (Su	ıbtotal 2)	7
peat Violator (Su	btotal 3)			
No	Adjustment P	ercentage (Su	ıbtotal 3) [0
mpliance History	Person Classification (Subtotal 7)			
Average Pe	erformer Adjustment P	ercentage (Su	ıbtotal 7) [0
mpliance History	Summary			N. Jan
Compliance History	The Respondent has one NOV for same or similar violations and one self-reported efflue	nt violation.		
Notes				

Scre	ening Date				cket No. 2007-			PCW
					r, Inc. (previously	1		
i e	Case ID No.		rvest Commur	nities of Houstor	n, inc.)			evision 2 (September 2002)
			0				P	CW Revision June 26, 2007
Reg. Ent. Rei								
	lia [Statute] Coordinator	-						
	ation Number) 					
¥10.0	ļ.]
	Rule Cite(s)	30 Tex.			ind 309.13(e)(2) a Requirements No.	nd TPDES Permit . 3	No.	
Violation	n Description		y, an adequate	e nuisance prev		itigate odor and not been submitted		
·						Base	Penalty	\$10,000
>> Environmental	. Property a	nd Human	Health Mat	rix	March Alexandro vizada Profesional			
			Harm		Elita Militarina (1911), The Thirm of Elitary (1919)	1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1		
	Release	Major	Moderate	Minor				
OR	Actual				Davas			
	Potential		Х		Perce	nt 10%		
>>Programmatic I	Matrix							
	Falsification	Major	Moderate	Minor	AND AND COLORS			
		a editri arra			Perce	nt 0%		***************************************
	-							
Matrix Notes	Failure to imp	plement an oo		prevention systend the environm		ntly impact humar	n health	
					Adjustn	oont	\$9,000	
					. Yolusti	ient.	Ψ3,000	
								\$1,000
Violation Events								
a ya Galeeny yingaan yaay sa gaala dhiya dhaga dhaan ya ah dhaasan talaaan isha dha ya Shiiraad ishaa talaa ba	ender in der							
	Number of Viol	ation Events[1		61 Number	er of violation days	S	
	ı	daily 🔠	1 1 2 2					
		monthly						
	mark only one	quarterly	х			Violation Base	Penalty	\$1,000
	with an x	semiannual					_	
		annual						
		single event						
					 			
	One quarterly	y event is rec		om the investiga ite of June 11, 2		11, 2007 to the sc	reening	
Economic Benefit	(EB) for this	s violation	L. Cale Chief Photos		Statu	itory Limit Tes	t // / // // // // // // // // // // //	
	Estimated	EB Amount		\$325	Vio	lation Final Pena	Ity Total	\$1,070
			T)	nis violation Fi	nal Assessed Pe	nalty (adjusted fo	or limits)[\$1,070

	RN102186889				•		
Media Violation No.	Water Quality 1					Percent Interest	Years of Depreciation
						5.0	15
무늬기가 하다 그는 이번 살이 있는	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					l Barrell, est Clares d'avances	
Delayed Costs			1 1 K 4 4 5 5	7	and the state of t		10.1
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)			15.11 0000	0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	11-Apr-2007	15-Mar-2008	0.9	\$15	\$310	\$325
Land		<u> </u>		0.0	\$0	taletyn/a/lekk	\$0
Record Keeping System				0.0	\$0	mate. n/acces	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal			4 4	0.0	\$0	n/a	\$0
		11				NUMBER OF STREET AND DESCRIPTIONS	
Permit Costs				0.0	\$0	ili si n/a	\$0
Other (as needed)	Estimated cos			0.0 e prever	\$0 ntion system. Date	n/a	\$0
			Final date is the pr	0.0 e prever rojected ntering	\$0 stem. Date date of compliance	n/a n/e required is the inve	\$0 stigation date.
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal			Final date is the pr	0.0 e prever rojected ntering 0.0	\$0 tion system. Date date of compliance item (except for a	required is the inve	\$0 stigation date. osts)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel			Final date is the pr	o.0 e prever rojected ntering 0.0 0.0	\$0 ation system. Date date of compliance item (except for or \$0 \$0	required is the invelope. one-time avoided composition of the state o	\$0 stigation date. osts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal			Final date is the pr	o.0 e prever rojected ntering 0.0 0.0 0.0	\$0 Ition system. Date date of compliance item (except for case) \$0 \$0	e required is the invelopment of	\$0 stigation date. osts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			Final date is the pr	o.0 e prever rojected ntering 0.0 0.0 0.0 0.0	\$0 attion system. Date date of compliance item (except for a so	e required is the invelopment of	stigation date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Final date is the pr	0.0 e prever rojected ntering 0.0 0.0 0.0 0.0 0.0	\$0 Intion system. Date date of compliance item (except for or \$0 \$0 \$0 \$0 \$0 \$0	required is the inverse. pre-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 stigation date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Final date is the pr	0.0 e prever rojected ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 Intion system. Date date of compliance Item (except for a so	required is the inverse. cone-time avoided cone	\$0 stigation date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Final date is the pr	0.0 e prever rojected ntering 0.0 0.0 0.0 0.0 0.0	\$0 Intion system. Date date of compliance item (except for or \$0 \$0 \$0 \$0 \$0 \$0	required is the inverse. pre-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 stigation date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN		Final date is the pr	0.0 e prever rojected ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 Intion system. Date date of compliance Item (except for a so	required is the inverse. cone-time avoided cone	\$0 stigation date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Final date is the pr	0.0 e prever rojected ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 Intion system. Date date of compliance Item (except for a so	required is the inverse. cone-time avoided cone	\$0 stigation date. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Screening Date	11-Jun-2007	Docket No. 2007-10	78-MWD-E	PCW
		Rehabiltation Center, Inc. (previously		
Respondent Case ID No.		nmunities of Houston, Inc.)	·	ion 2 (September 2002)
Reg. Ent. Reference No.			POW	Revision June 26, 2007
Media [Statute]				
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin. Co	de §§ 305.125(1) and 319.1 and TPDES	Permit No. 10825001,	
	٨	Monitoring and Reporting Requirements N	o. 1	
Violation Description		scharge Monitoring Reports ("DMRs") as ave not been submitted for February 200 2005, December 2005, and January 200	5, April through October	
	•		Base Penalty	\$10,000
>> Environmental, Property a	and Human Health	Matrix		
The state of the s	Harn			
Release	Major Modera	ate Minor	•	
OR Actual			00/	
Potential	<u>L</u>	Percent	0%	
>>Programmatic Matrix	7-1-14-14-14-14-14-14-14-14-14-14-14-14-1			
Falsification	Major Modera	ate Minor		
	X	Percent	10%	
			and agreed that the same	
Matrix Notes	100% of the rule w	as not met by not submitting the monthly	DMRs.	
		Adjustme	nt \$9,000	
A. A				£4.000
			<u></u>	\$1,000
Violation Events				
Number of Vio	plation Events 10	813 Number	of violation days	
mark only one with an x	daily monthly x quarterly semiannual annual single event		Violation Base Penalty	\$10,000
		monthly events are recommended.		
Economic Benefit (EB) for th	is violation	Statuto	ory Limit Test	
Estimated	d EB Amount	\$141 Viola	tion Final Penalty Total	\$10,700
		This violation Final Assessed Pena	alty (adjusted for limits)	\$10,700

Case ID No.	-						ouston, Inc.)
	DV14U040600U						
Reg. Ent. Reference No.							Years of
Wedia Violation No.	Water Quality . 2					Percent Interest	Depreciation
그렇다 되었습니다 그 말이 없는다						5.0	15
	Item Cost	Date Required	Final Date	Vre	Interest Saved	Onetime Costs	EB Amount
Item Description		Date Required	i mai Date	115	interest Saveu	Onethine Costs	EB Allibuilt
The security of the second of	1 MO COUNTINGS OF 2	and a shall a second	na verita i tali.		and a mark market in the	e we dec i ii i dagalik da	i da e e e e e e e e e e e e e e e e e e
Delayed Costs	**************************************	<u> Kawa Tekan</u>					sa Harti Li
Equipment				0.0	\$O	\$0	\$0
Buildings				0.0	\$0	\$0	\$0 .
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a 🧎 🤃	. \$0
Record Keeping System				0.0	\$0	n/a 📈 🚈	\$0
Training/Sampling				0.0	\$0	- William/a	\$0
Remediation/Disposal				0.0	\$0	in/a n/a	\$0
Permit Costs				0.0	\$0	n/a - urr	\$0
Other (as needed)	\$1,000	20-Mar-2005	15-Jan-2008	ll 2.8 l	\$141		
Notes for DELAVED costs	Estimated cos	sts of preparing and	d submitting the DI	,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		onth. Date required	\$141 is the date the
Notes for DELAYED costs Avoided Costs	·	February 2005	DMR was due. Fir	MRs bas nal date i	ed on \$100 per m is the projected da	onth. Date required the of compliance.	is the date the
Avoided Costs	·	February 2005	DMR was due. Fir	MRs base nal date i ntering	ed on \$100 per m is the projected da item (except for 6	onth. Date required te of compliance.	is the date the
Avoided Costs Disposal Personnel	·	February 2005	DMR was due. Fir	MRs base nal date i	ed on \$100 per m is the projected da item (except for 6 \$0 \$0	onth. Date required te of compliance. one-time avoided compliance \$0 \$0 \$0	is the date the osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	·	February 2005	DMR was due. Fir	MRs base nal date i	ed on \$100 per m s the projected da item (except for 6 \$0 \$0 \$0	onth. Date required te of compliance. one-time avoided compliance some some some some some some some som	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	·	February 2005	DMR was due. Fir	MRs base nal date i ntering 0.0 0.0 0.0	ed on \$100 per mis the projected date item (except for 6 \$0 \$0 \$0 \$0 \$0	onth. Date required the of compliance. One-time avoided compliance some some some some some some some som	sthe date the state of the stat
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	·	February 2005	DMR was due. Fir	MRs basenal date i	ed on \$100 per mis the projected date (except for 6 \$0 \$0 \$0 \$0 \$0 \$0 \$0	onth. Date required the of compliance. one-time avoided compliance of the solution of the sol	sthe date the street st
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	·	February 2005	DMR was due. Fir	MRs base and date intering 10.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ed on \$100 per m is the projected da item (except for a \$0 \$0 \$0 \$0 \$0 \$0	onth. Date required te of compliance. one-time avoided compliance some some some some some some some som	sthe date the street st
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	·	February 2005	DMR was due. Fir	MRs basenal date i	ed on \$100 per mis the projected date (except for 6 \$0 \$0 \$0 \$0 \$0 \$0 \$0	onth. Date required the of compliance. one-time avoided compliance of the solution of the sol	sthe date the state of the stat
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	·	February 2005	DMR was due. Fir	MRs base and date intering 10.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ed on \$100 per m is the projected da item (except for a \$0 \$0 \$0 \$0 \$0 \$0	onth. Date required te of compliance. one-time avoided compliance some some some some some some some som	sthe date the street st
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	·	February 2005	DMR was due. Fir	MRs base and date intering 10.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ed on \$100 per m is the projected da item (except for a \$0 \$0 \$0 \$0 \$0 \$0	onth. Date required te of compliance. one-time avoided compliance some some some some some some some som	sthe date the state of the stat

Screening Date 11-Jun-2007 Docket No. 2007-1078-MWD-E	PCW ∷
Hondo Healthcare and Rehabiltation Center, Inc. (previously	
	Revision 2 (September 2002)
	PCW Revision June 26, 2007
Reg. Ent. Reference No. RN102186889	
Media [Statute] Water Quality	
Enf. Coordinator Catherine Albrecht	
Violation Number 3	า
Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. 10825001, Monitoring and Reporting Requirements No. 3.b.	
Failed to have all the required monitoring and reporting records available for review upor request. Specifically, the following records were not available for review: 1) Laboratory reports for February through October 2005, February 2006, April through June 2006, November 2006 through February 2007; 2) One of four laboratory reports for November 2006 and September 2006; 3) Operation logs for February 2005 through February 2006 and May 2006; and (4) The annual sludge report for the monitoring period ending July 31, 2006.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor OR Actual Potential Percent 0%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 10%	
	-1
Matrix Notes Greater than 70% of the required records were not made available for review.	
Adjustment \$9,000	1
	\$1,000
Violation Events	0.00
Number of Violation Events 1 61 Number of violation days	
daily monthly Violation Base Penalty mark only one quarterly semiannual annual single event x	\$1,000
	1
One single event is recommended based on the investigation date of April 11, 2007.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$8 Violation Final Penalty Total	\$1,070
This violation Final Assessed Penalty (adjusted for limits)	\$1,070

	. RN102186889						
Medi Violation No	a Water Quality					Percent Interest	Years of Depreciation
			SPETUL CAR			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Descriptio	n No commas or \$			sai sili			
Delayed Cost	s a mas gr	The State of the State of Stat			and the second s		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	matth n/assets	\$0
Record Keeping System	\$200	11-Apr-2007	15-Jan-2008	0.8	\$8	n/assessor	. \$8
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
					, 40		
Permit Costs				0.0	\$0	il⊎i⊮ √n/a →	\$0
Permit Costs Other (as needed)	Estimated costs	s of making the req	uired records ava	0.0	\$0 \$0	Dillinia. Dillinia. T. — Caller	\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs			date is the proje	0.0 0.0 ilable for ected da	\$0 \$0 review. Date req te of compliance.	n/a n/a uired is the investiga	\$0 \$0 ition date. Fina
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs			date is the proje	0.0 0.0 ilable for ected da	\$0 \$0 review. Date req te of compliance. item (except for	n/a n/a uired is the investiga one-time avoided c	\$0 \$0 ition date. Fina
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal			date is the proje	0.0 0.0 ilable for ected da ntering	\$0 \$0 review. Date req te of compliance. item (except for	n/a n/a uired is the investiga one-time avoided c	\$0 \$0 tion date. Fina
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel			date is the proje	0.0 0.0 ilable for ected da ntering 0.0 0.0	\$0 \$0 review. Date req te of compliance. item (except for \$0 \$0	n/a n/a uired is the investiga one-time avoided c \$0 \$0	\$0 \$0 tion date. Fina osts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling			date is the proje	ilable for ected da ntering 0.0 0.0 0.0 0.0 0.0	\$0 \$0 review. Date req te of compliance. item (except for \$0 \$0	n/a n/a uired is the investiga one-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 tion date. Fina osts) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			date is the proje	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 review. Date req te of compliance. item (except for \$0 \$0 \$0	n/a n/a uired is the investiga one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 tion date. Fina osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSt: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			date is the proje	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 review. Date req te of compliance. item (except for \$0 \$0 \$0 \$0	n/a n/a uired is the investigatione-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 tion date. Fina osts): \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			date is the proje	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 review. Date req te of compliance. item (except for \$0 \$0 \$0	n/a n/a uired is the investiga one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 tion date. Fina osts) \$0 \$0 \$0 \$0

Scr	ening Date 11-Jun-2007	Docket No	2007-1078-MWD-E	PCW
	Hondo Healtho	are and Rehabiltation Center, Inc. (pre	viously	
		est Communities of Houston, Inc.)	_	Revision 2 (September 2002)
	Case ID No. 34141		,	PCW Revision June 26, 2007
Rea Ent Re	ference No. RN102186889	,	•	
	lia [Statute] Water Quality	•		•
	Coordinator Catherine Albr			
		ecnt		
Vio	ation Number 4			٦
	Rule Cite(s) 30 Tex. Ad	min. Code §§ 305.125(1) and 319.1 an		
		Monitoring and Reporting Requi	rements No. 1	
Violatio	monitoring carbonaceou	orrectly calculate and report the monito frequency for November 2005. Specific s biochemical oxygen demand, ammon ted on the November 2005 DMR were monitoring events.	cally, the total suspended solids, iia-nitrogen, and dissolved oxygen based on three of the four weekly	
			Base Penalty	\$10,000
>> Environmenta	I, Property and Human I		ng a sanat dia kacamatan kanan dia kacamatan kanan dia kacamatan kanan dia kanan dia kanan dia kanan dia kanan Kanan kanan dia kana	
	Release Major	Harm Moderate Minor		
OR	Actual	- William - Will		
	Potential	×	Percent 5%	
A THE STATE OF	Foteridal	X	reiceit 5%	
Section 1				
>>Programmatic		Moderate		
	Falsification Major	Moderate Minor	Davis Davi	
			Percent 0%	
				an and an
Matrix Notes		reports based on the required monitor t amount of pollutants which may not e health or the environment.		
			Adjustment \$9,500	ก
<u>, Artiko Esani</u> es tele			Adjustines (1
				\$500
Violation Events				S.
Manifester and Albertain and Admits and all stories			and the first section of the control	
	Number of Violation Events	1 61	Number of violation days	
				
	daily			
	monthly			
	mark only one quarterly		Violation Base Penalty	\$500
	with an x semiannual			
	annual			
	single event	×		
	** "Park is a Marin" park (is a singular and a singular filling)			_
•		One single event is recommended	i.	
			· -	
Economic Benefi	t (EB) for this violation.		Statutory Limit Test	
The second secon			and the second s	
j	Estimated EB Amount	\$5	Violation Final Penalty Total	\$535
		months and a state of market a state of the	and Bounts, Individed South 18 18	mro-
		inis violation Final Asse:	ssed Penalty (adjusted for limits)	\$535
	eres and established by the contract of the co			

Violation No	a Water Quality						
). 4 					Percent Interest	Years of
Itom Docarintie						7.4 7.4	Depreciation
Itom Docarintia						5.0	15
Itam Descriptio	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
iteitt nescribtio	n No commas or \$				ja 1914. Struktarius (* 1921)		
Delayed Cost	S	1111	أفتيروا فاعتبره أأثم	<u> </u>			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System			•	0.0	\$0	== t = in/a = = enec	\$0
Training/Sampling	\$50	20-Dec-2005	15-Jan-2008	2.1	\$5	ri/a	\$5
Remediation/Disposal				0.0	\$0	n/a™ #	\$0
Permit Costs				0.0	\$0	Normal n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs						sed on the required	
Notes for DELAYED costs	frequency. Da	ate required is the	date that the Nove	ember 20 complian	005 DMR was due. ace.	Final date is the pro	ojected date of
Avoided Cost	frequency. Da	ate required is the	date that the Nove	ember 20 complian	005 DMR was due. ice. item (except for o	Final date is the pro	ojected date of
Avoided Cost	frequency. Da	ate required is the	date that the Nove	ember 20 complian entering 0.0	005 DMR was due. ice. item (except for o	Final date is the proposed cone-time avoided co	osts) \$0
Avoided Cost Disposal Personnel	frequency. Da	ate required is the	date that the Nove	ember 20 complian entering 0.0 0.0	item (except for c	Final date is the propertime avoided constant \$0 \$0	ojected date of osts) \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling	frequency. Da	ate required is the	date that the Nove	ember 20 complian entering 0.0 0.0	item (except for c \$0 \$0 \$0	Final date is the propertime avoided or \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	frequency. Da	ate required is the	date that the Nove	ember 20 complian entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Final date is the properties one-time avoided constraints on \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	frequency. Da	ate required is the	date that the Nove	ember 20 complian entering 0.0	05 DMR was due. 10ce. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Final date is the properties avoided cone-time a	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	frequency. Da	ate required is the	date that the Nove	ember 20 complian entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Final date is the propertime avoided cone-time avoided cone-time so	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	frequency. Da	ate required is the	date that the Nove	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	05 DMR was due. item (except for case) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Final date is the properties avoided cone-time a	osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	frequency. Da	ate required is the	date that the Nove	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	05 DMR was due. item (except for case) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Final date is the propertime avoided cone-time avoided cone-time so	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scr	eening Date	11-Jun-2007		Docket N	lo. 2007-1078-MWD-E	PGW
			re and Rehabiltatio		reviously	
	-		st Communities of	Houston, Inc.)		Policy Revision 2 (September 2002)
	Case ID No.					PCW Revision June 26, 2007
Reg. Ent. Re				·		
	dia [Statute]	Catherine Albre	-1-4			
	lation Number		CHL			
¥10	Rule Cite(s)	<u> </u>	min. Code § 305.1	25(1) and (5) and	TPDES Permit No. 1082500	1.
	,			ional Requireme		
Violatio	on Description	was not function	oning and had contr	ibuted to the exc	. Specifically, the return sludy essive accumulation of solids ffluent settling basin.	
					Base	Penalty \$10,000
>> Environmenta	I, Property a	nd Human H		San Berlin San Barra	die ordere die der Greek von der Greek von der Greek von der Greek van der Greek van de Greek va	
	Release	Major I	Harm Moderate Min	or		
OR	Actual	iviajo.	vioderate with			
	Potential		x		Percent 10%	
>>Programmatic	Matrix Falsification	Major I	Moderate Min		2000	
	Faisincation	iviajoi i	vioderate iviii		Percent 0%	
		<u> </u>				·
Matrix Notes					n a significant amount of polloalth or the environment.	utants
					Adjustment	\$9,000
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						C4 000
						. \$1,000
Violation Events						
	Number of Vio	lation Events	.1	61	Number of violation days	
		daily monthly				
	mark only one with an x	quarterly semiannual annual single event	X		Violation Base I	Penalty \$1,000
	One quarter	ly event is recor		investigation date une 11, 2007.	e of April 11, 2007 to the scre	ening
Economic Benefi	t (EB) for thi	s violation			Statutory Limit Test	
	Estimated	EB Amount		\$6	Violation Final Penalt	y Total \$1,070
			This vio	lation Final Ass	essed Penalty (adjusted for	limits) \$1,070
KORKET PREGODENKIR PERIODE			TO BE WELL BOOK OF THE			TO YELLOW THE PERSON OF THE PE

Media Violation No	RN102186889 Water Quality					Percent Interest	Years of Depreciation
Violation No.	. 5				4.		10 to
				1.15		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				and the Missing		
Delayed Costs	. 1744 1744	and the second second	range in the second		ag ing m	A.S. L. S. W. W. L.	1 V . 2000
Equipment				0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)	\$150	11-Apr-2007	29-Jun-2007	0.2	\$0	\$2	\$2
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	Alignia n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a //	\$0
D 10 - 42 10 1 1	H 0400	11-Apr-2007	15-Jan-2008	0.8	\$4	i n/a	\$4
Remediation/Disposal	\$100	11-Api-2007	10 can 2000				
Permit Costs	\$100	11-Api-2007	70 dan 2000	0.0	\$0	n/a	\$0
	Reported costs	of repairing the ret	turn activated slude	0.0 0.0 ge line is	\$0 \$0 s \$150, and the es	n/a n/a timated costs of rem	\$0 \$0 oving the solids
Permit Costs Other (as needed)	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 ge line is 00. Dat cted dat	\$0 \$0 s \$150, and the es e required is the ir tes of compliance. Item (except for	n/a	\$0 \$0 oving the solids hal date is the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 ge line is 0.0 Dat cted dat	\$0 \$0 \$ \$150, and the es e required is the in tes of compliance. item (except for	n/a n/a timated costs of removestigation date. Fin one-time avoided costs of removestigation date.	\$0 \$0 oving the solids nal date is the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 ge line is 00. Dat cted dat ntering 0.0 0.0	\$0 \$0 \$ \$150, and the ese required is the intest of compliance. item (except for \$0 \$0 \$0	timated costs of remvestigation date. Fin	\$0 \$0 oving the solids hal date is the osts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 ge line is 00. Dat cted dat ntering 0.0 0.0	\$0 \$0 \$150, and the es e required is the ir tes of compliance. item (except for \$0 \$0	n/a n/a timated costs of rem vestigation date. Fire one-time avoided costs \$0 \$0 \$0 \$0	\$0 \$0 oving the solids hal date is the osts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 ge line is 00. Dat cted dat ntering 0.0 0.0 0.0	\$0 \$0 \$ \$150, and the es e required is the ir tes of compliance. item (except for \$0 \$0 \$0	n/a n/a n/a timated costs of rem vestigation date. Fin one-time avoided costs \$0 \$0 \$0 \$0 \$0	\$0 \$0 oving the solids hal date is the osts) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 0.0 Dat cted dat ntering 0.0 0.0 0.0 0.0	\$0 \$0 \$ \$150, and the es e required is the ir tes of compliance. item (except for \$0 \$0 \$0 \$0	n/a n/a n/a n/a timated costs of rem vestigation date. Fin one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 oving the solids hal date is the osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 0.0 Dat cted dat ntering 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$150, and the ese required is the intes of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	timated costs of remvestigation date. Find the street of t	\$0 \$0 oving the solids hal date is the osts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 0.0 Dat cted dat ntering 0.0 0.0 0.0 0.0	\$0 \$0 \$ \$150, and the es e required is the ir tes of compliance. item (except for \$0 \$0 \$0 \$0	n/a n/a n/a n/a timated costs of rem vestigation date. Fin one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 oving the solids hal date is the osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 0.0 Dat cted dat ntering 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$150, and the ese required is the intes of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	timated costs of remvestigation date. Find the street of t	\$0 \$0 oving the solids hal date is the osts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Reported costs from the chlo	of repairing the ret	turn activated slud fluent basins is \$10 actual and proje	0.0 0.0 0.0 Dat cted dat ntering 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$150, and the ese required is the intes of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	timated costs of remvestigation date. Find the street of t	\$0 \$0 oving the solids hal date is the osts) \$0 \$0 \$0 \$0 \$0

Screening Date	11-Jun-2007	New Bannes de Comment	Docket No. 2007-107	'8-MWD-E	PCW
<u>_</u>		care and Rehabiltation Cen			
•		vest Communities of Houst	on, Inc.)	•	evision 2 (September 2002)
Case ID No.				P	CW Revision June 26, 2007
Reg. Ent. Reference No.					and the state of t
Media [Statute]					To the second se
Enf. Coordinator		recht			
Violation Number		min. Code §§ 305.125(1) a	and 210 1 and TDDES D	ormit No. 10925001	1
Rule Cite(s)	30 rex. Au		orting Requirements No		
Violation Description	permit. Spe	mely submit Discharge Mor ecifically, DMRs for Februa November 2006 through Fe	ry 2006, April through Ju	ine 2006, September	
				Base Penalty	\$10,000
>> Environmental, Property a	nd Human I	Health Matrix Harm			
Release	Major	Moderate Minor			
OR Actual					,
Potential			Percent	0%	,
>>Programmatic Matrix	energe energyste Energia				
Falsification	Major	Moderate Minor		,	
		X	Percent	1%	TOTAL PARTY AND
Matrix Notes Less	s than 30% of t	he rule was not met by not	submitting the monthly I	DMRs on time.	
			Adjustmen	t \$9,900	
					\$100
		managaya wa Magalah akipanga ayan managa na yayan yayan ayayan ayayan an makayan makayan ayan ayan ayan ayan a	рудалиция пад экспрумунация из тр. с. разгол сельто учество падрамун, падра с		,
Violation Events					
Number of Vic	lation Events	199 A 9	448 Number of	of violation days	Control of the Contro
			(
	daily				
mark only one	monthly≝ [quarterly [,	Violation Base Penalty	\$900
with an x	semiannual			Fiolation Base Fenalty	
	annual				·
	single event	X			
			a		
		Nine single events are	recommended.		
Economic Benefit (EB) for thi	is violation		• Statuto	ry Limit Test	
Estimated	d EB Amount	\$60] Violati	ion Final Penalty Total	\$963
		This violation	Final Assessed Penal	ty (adjusted for limits)	\$963

	드	conomic	Benefit W	orks	sheet		
Respondent	Hondo Healthca	are and Rehabiltat	ion Center, Inc. (pr	eviously	known as Harves	st Communities of Ho	ouston, Inc.)
Case ID No.	34141						
Reg. Ent. Reference No.	RN102186889						
	Water Quality						Years of
Violation No.	•					Percent Interest	Depreciation
Violation No.		and the second					·
				- 14		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	The second secon		٠			
					or more than	agent and the second	
Delayed Costs		A Transport	<u> </u>			<u> </u>	
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land		00.14	00 1 1 0007	0.0	\$0	n/a	\$0
Record Keeping System	\$900	20-Mar-2006	23-Jul-2007	1.3	\$60	n/a	\$60
Training/Sampling				0.0	\$0		\$0
D				0.0	60	Restricted the Colored of Landauer of the state	P O
Remediation/Disposal				0.0	\$0 \$0	世界の本がn/a マスリー	\$0
Remediation/Disposal Permit Costs Other (as needed)				0.0	\$0 \$0	n/a	\$0 \$0
Permit Costs		February 2	2006 DMR was due	0.0 0.0 MRs bas Final	\$0 \$0 sed on \$100 per m date is the date of	n/a	\$0 \$0 is the date the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs		February 2	2006 DMR was due	0.0 0.0 MRs base. Final	\$0 \$0 sed on \$100 per m date is the date of item (except for	onth. Date required compliance.	\$0 \$0 is the date the
Permit Costs Other (as needed) Notes for DELAYED costs		February 2	2006 DMR was due	0.0 0.0 //Rs bas . Final ntering 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for	onth. Date required compliance.	\$0 \$0 is the date the osts)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		February 2	2006 DMR was due	0.0 0.0 MRs base. Final ntering 0.0 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for \$0 \$0	onth. Date required compliance.	\$0 \$0 is the date the osts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		February 2	2006 DMR was due	0.0 0.0 MRs base. Final ntering 0.0 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for \$0 \$0 \$0	onth. Date required compliance. one-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 is the date the osts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		February 2	2006 DMR was due	0.0 0.0 MRs base. Final ntering 0.0 0.0 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for \$0 \$0 \$0	onth. Date required compliance. one-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 is the date the osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		February 2	2006 DMR was due	0.0 0.0 MRs bas e. Final 0.0 0.0 0.0 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for s \$0 \$0 \$0 \$0 \$0	onth. Date required compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 is the date the osts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		February 2	2006 DMR was due	0.0 0.0 MRs base. Final ntering 0.0 0.0 0.0 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for \$0 \$0 \$0 \$0 \$0 \$0	onth. Date required compliance. one-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 is the date the osts) \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		February 2	2006 DMR was due	0.0 0.0 MRs bas e. Final 0.0 0.0 0.0 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for s \$0 \$0 \$0 \$0 \$0	onth. Date required compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 is the date the osts) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		February 2	2006 DMR was due	0.0 0.0 MRs base. Final ntering 0.0 0.0 0.0 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for \$0 \$0 \$0 \$0 \$0 \$0	onth. Date required compliance. one-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 is the date the osts) \$0 \$0 \$0 \$0 \$0
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		February 2	2006 DMR was due	0.0 0.0 MRs base. Final ntering 0.0 0.0 0.0 0.0	\$0 \$0 sed on \$100 per m date is the date of item (except for \$0 \$0 \$0 \$0 \$0 \$0	onth. Date required compliance. one-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 is the date the osts) \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	11-Jun-2007	Docket No. 2007-1078-MWD-E	PCW
	Hondo Healthcare and Reha	biltation Center, Inc. (previously	
Respondent	known as Harvest Communit		Policy Revision 2 (September 2002)
Case ID No.	34141		PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN102186889		
Media [Statute]	Water Quality		
Enf. Coordinator	Catherine Albrecht		
Violation Number			
Rule Cite(s)	30 Tex. Admi	n. Code § 21.4 and Tex. Water Code § 5.702	
Violation Description		onsolidated Water Quality ("CWQ") fees and associa No. 23002404 for Fiscal Years 2005, 2006, and 200	
		Base I	Penalty \$10,000
>> Environmental, Property a	ind Human Health Matri		
	Harm		
Release OR Actual		Minor	
Potential		Percent 0%	
1 Oterman		1 ercent 576	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
		Percent 0%	
Market and the second s			
Matrix Notes			
		Adjustment	\$10,000
			710,000
			\$0
			2303-1103-310
Violation Events			
		Number of violation days	
		, vanisor er violation dayo	
	daily		
mark only one with an x	monthly quarterly semiannual annual single event	Violation Base i	Penalty \$0
No administ		for this violation as penalty and interest will be asses e next billing cycle.	sed in
Economic Benefit (EB) for th	is violation	Statutory Limit Test	(新文] [1] [1] [1] [1] [1] [1] [1] [1] [1] [1
Statistics (Company of the Company o	i EB Amount	\$0 Violation Final Penalt	A COLOR CONTROL OF THE STATE OF
Estimated	a ES Amodik	Violation Final Fenalt	y . σται <u>φ</u> υ
	T)	nis violation Final Assessed Penalty (adjusted for	limits) \$0

	E	conomic	Benefit W	orks	sheet		
Respondent	Hondo Healthca	re and Rehabiltat	ion Center, Inc. (pr	eviously	y known as Harves	t Communities of Ho	ouston, Inc.)
Case ID No.							
Reg. Ent. Reference No.							······································
	Water Quality					Percent Interest	Years of
Violation No.	7	4 ×444 yr	er gara sarayan gara				Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			11 34			
Delayed Costs					<u> </u>	garanta da	
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction Land				0.0	\$0	φυ n/a	\$0 \$0
Record Keeping System				0.0	\$0	n/a A	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	Here In/a Promit	\$0
Permit Costs				0.0	\$0	n/a dixiii	\$0
Other (as needed)				0.0	\$0	n/a sa	\$0
Notes for DELAYED costs				N/A		*	
Notes for DELATED COSIS				19/75			
_							
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e			one-time avoided o	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.0	\$0	\$0	\$0 \$0
ONE-TIME avoided costs [3] Other (as needed)				0.0	\$0	\$0	\$0 \$0
Other (as needed)	<u></u>			0.0	, y		
					÷ •		
Notes for AVOIDED costs				· N/A	Table 1		
							•
	L	<u></u>					
A Cont. of Cons		\$0	1		TOTAL	1	\$0
Approx. Cost of Compliance	L	\$0	ļ		IOIAL	L	ΦU

Compliance History

Customer/Respondent/Owner-Operator: CN601181449 Harvest Communities of Houston, Classification: AVERAGE Rating: 1.74 ALDINE COMMUNITY CARE Regulated Entity: RN102186889 Classification: AVERAGE Site Rating: 1.74 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010071 WASTEWATER PERMIT WQ0010825001 WASTEWATER **PERMIT** TX0032255000 WASTEWATER **PERMIT** TX0032255 WASTEWATER LICENSING LICENSE WQ0010825001 Location: 10110 AIRLINE DR, HOUSTON, TX, 77037 Rating Date: 9/1/2006 Repeat Violator: NO TCEQ Region: **REGION 12 - HOUSTON** Date Compliance History Prepared: August 01, 2008 Agency Decision Requiring Compliance History: Enforcement Compliance Period: July 06, 2002 to July 06, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History J. Craig Fleming Phone: (512) 239-5806 Name: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 14 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. В. Any criminal convictions of the state of Texas and the federal government. C. Chronic excessive emissions events. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/24/2002 (178119)2 08/19/2002 (178122)3 09/26/2002 (178125)4 10/30/2002 (178128)5 05/04/2005 (421678)6 12/22/2005 (471758)7 03/06/2006 (451566)8 06/23/2006 (482687)9 08/24/2006 (522384)10 08/24/2006 (522385)11 11/29/2006 (547087)12 11/29/2006 (547088)13 05/08/2007 (538438)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

(451566)

Date: 03/02/2006 Self Report?

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(a)(8)

Ramt Prov:

PERMIT Operational Reg No. 1

Description:

Failure to conduct the annual test for the backflow prevention device. The

backflow prevention device must be tested annually and the documentaion

must be maintained.

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation: 30 TAC Chapter 305, SubChap

30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov:

PERMIT M&RR No. 1

PERMIT Sludge Provisions

Description:

Failure to submit the annual sludge report for the period of August 1, 2004 through July 31, 2005. An annual sludge report must be submitted September 1st of each year whether sludge is hauled or not. There was reportedly no

sludge hauled in 2005.

Self Report?

NO

Classification

Classification

Major

Moderate

Citation:

30 TAC Chapter 305, SubChapter D 305.64(b)

Description:

Failure to transfer the permit into the name of the current legal entity. The

permit is currently in the name of Harvest Community, Inc.

Self Report?

NO

Classification

Major

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 309, SubChapter B 309.13(e)(2)

Ramt Prov:

PERMIT Other Requirement No. 3

Description:

Failure to implement a nuisance prevention system to mitigate odor and noise. An adequate nuisance prevention plan to mitigate odor and noise has not been

submitted and approved by the permittee.

Self Report?

NO

Classification

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121(a)(1)

Ramt Prov:

PERMIT Operational Reg. No. 1

Description:

Failure to prevent the unauthorized discharge of sewage and partially treated wastewater. Specifically, sewage was leaking onto the ground from the piping at the lift station and from the settling tank and from the influent pipe to the

influent chamber prior to the bar screen.

Self Report?

NO

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:

PERMIT Operational Req. No. 1

Description:

Failure to operate and maintaine the facility. Specifically, the return sludge line was not functioning and had contributed to the excessive accumulation of

solids in the chlorine contact chamber and effluent settling basin.

Self Report?

NO

NO

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:

PERMIT Operational Reg. No. 1

Description:

Failure to adequately operate and maintain the facility. Specifically, the plant

was not secure because the fence had been cut for access due to an

inaccessible gate.

Self Report?

Classification

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:

PERMIT Operational Reg. No. 1

Description:

Failure to adequately operate and maintain the facility. Specifically, the bar screenings were not being dispose of properly. Screenings from the bar screen

were placed on top of the walkway grating to dry.

Self Report? NO

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.1

Rqmt Prov:

PERMIT Operational Req. No. 1

Description: Failure to adequately operate and maintain the facility. Specifically, only one

blower and one lift pump were operational at the time of the investigation and

no backup blower or lift pump was provided.

Self Report?

NO

Classification

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.1

30 TAC Chapter 319, SubChapter A 319.5(b)

Ramt Prov:

PERMIT M&RR No. 1

Description:

Failure to provide the required effluent monitoring results for November 2005. Specifically, reported monitoring data for total suspended soilds, carbonaceous

biochemical oxygen demand, ammonia-nitrogen, chlorine, and dissolved oxygen was based on three weekly monitoring periods rather than four in

November 2005.

Self Report?

NO

Classification

Moderate

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305,125(11)(B)

30 TAC Chapter 319, SubChapter A 319.7(c)

Rgmt Prov:

PERMIT M&RR No. 3.b.

Description:

Failure to have all the required monitoring and reporting records available for review upon request. Specifically, the following records were not available: 1) Laboratory reports for...; 2) One of four laboratory reports...; 3) Operation logs...; and 4) The annual sludge report for the monitoring period ending July 31 2006

NO Self Report?

Classification

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.1

Description:

Failure to correctly calculate and report monitoring data based on the rerquired montoring frequency for November 2005. Specifically the total suspended solids, carbonaceous biochemical oxygen demand, ammonia-nitrogen, and dissolved oxygen valuses reported on the November 2005 DMR were based on

three of the four weekly monitoring events.

Self Report?

NO

Classification

Classification

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5)

Rgmt Prov:

PERMIT Operational Req. No. 1

Description:

Failure to adequately operate and maintain the facility. Specifically, the accessive sludge accumulations were found in the chlorine contact chamber. One and one-half feet of sludge was noted in a three foot water depth in the chlorine contact chamber and effluent settling basin at the time of the

investigation.

Date 07/31/2006

(522385)

Self Report?

YES

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

H. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING HONDO HEALTHCARE & REHABILITATION CENTER, INC. (PREVIOUSLY KNOWN AS HARVEST COMMUNITIES OF	
(PREVIOUSLY KNOWN AS HARVEST COMMUNITIES OF HOUSTON, INC.); RN102186889	900000000000000000000000000000000000000

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1078-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Hondo Healthcare & Rehabilitation Center, Inc. (previously known as Harvest Communities of Houston, Inc.) ("Respondent") under the authority of Tex. Water Code chs. 5, 7, and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and the Respondent, appear before the Commission and together stipulate that:

- 1. Respondent owned and operated a wastewater treatment facility for a healthcare center located at 10110 Airline Drive at the northeast corner of the intersection of Airline Drive and Aldine Mail Road in Harris County, Texas (the "Facility").
- 2. This Agreed Order is entered into pursuant to Tex. Water Code §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Water Code chs. 5 and 26 and TCEQ rules.
- 3. The Commission and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
- 4. Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 12, 2007.

- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Fifteen Thousand Four Hundred and Eight Dollars (\$15,408.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Respondent has paid Five Hundred Thirty-Three Dollars (\$533.00) of the administrative penalty. The remaining amount of Fourteen Thousand Eight Hundred Seventy-Five Dollars (\$14,875.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of Four Hundred Twenty-Five Dollars (\$425.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.
- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that.
 - a. Respondent no longer owns or operates the Facility;
 - b. Respondent no longer has access to the Facility; and
 - c. Respondent's Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10825001 expired on or about May 1, 2008.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

Hondo Healthcare & Rehabilitation Center, Inc. TCEQ Docket No. 2007-1078-MWD-E Page 3

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Respondent is alleged to have violated:

- 1. 30 Tex. Admin. Code §§ 305.125(1) and 309.13(e)(2) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10825001, Other Requirements No. 3 by failing to implement a nuisance prevention system to mitigate odor and noise. Specifically, an adequate odor and noise mitigation plan has not been submitted to the TCEQ for approval by the permittee.
- 2. 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 10825001, Monitoring and Reporting Requirements No. 1 by failing to submit DMRs as required by the permit. Specifically, DMRs were not submitted for February 2005, April through October 2005, December 2005, and January 2006.
- 30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(c) and TPDES Permit No. 10825001, Monitoring and Reporting Requirements No. 3.b. by failing to have all the required monitoring and reporting records available for review upon request. Specifically, the following records were not available for review: (a) laboratory reports for February through October 2005, February 2006, April through June 2006, November 2006 through February 2007, (b) one of four laboratory reports for November 2005 and September 2006, (c) operation logs for February 2005 through February 2006 and May 2006, and (d) the annual sludge report for the monitoring period ending July 31, 2006.
- 4. 30 Tex. Admin. Code §§ 305.125(1) and 319.1 and TPDES Permit No. 10825001, Monitoring and Reporting Requirements No. 1 by failing to correctly calculate and report the monitoring data based on the required monitoring frequency for November 2005. Specifically, the total suspended solids ("TSS"), carbonaceous biochemical oxygen demand ("CBOD"), ammonia-nitrogen ("NH₃-N") and dissolved oxygen ("DO") values reported on the November 2005 DMR were based on three of the four weekly monitoring events.
- 5. 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 10825001, Operational Requirements No. 1 by failing to properly operate and maintain the Facility. Specifically, the

Hondo Healthcare & Rehabilitation Center, Inc. TCEQ Docket No. 2007-1078-MWD-E Page 4

return sludge line was not functioning and had contributed to the excessive accumulation of solids in the chlorine contact chamber and the effluent settling basin.

- 6. 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 10825001, Monitoring and Reporting Requirements No. 1 by failing to submit DMRs as required by the permit. Specifically, DMRs for February 2006, April through June 2006, September 2006, and November 2006 through February 2007 were not submitted timely.
- 7. 30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE § 5.702 by failing to pay outstanding Consolidated Water Quality ("CWQ") fees and associated late fees for TCEQ Account No. 23002404 for Fiscal Years 2005, 2006, and 2007.

III. DENIALS

Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Hondo Healthcare & Rehabilitation Center, Inc., Docket No. 2007-1078-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Agreed Order, Pay all outstanding CWQ fees and associated late fees for TCEQ Account No. 23002404 as required by 30 Tex. ADMIN. CODE § 21.4 and Tex. WATER CODE § 5.702.
 - b. Within 105 days after the effective date of the Commission Order, submit written certification of compliance as described below, and include detailed supporting

Hondo Healthcare & Rehabilitation Center, Inc. TCEQ Docket No. 2007-1078-MWD-E Page 5

documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Stephen Smith, Water Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 5. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be

Hondo Healthcare & Rehabilitation Center, Inc. TCEQ Docket No. 2007-1078-MWD-E Page 6

- transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 6. Under 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Respondent, or three days after the date on which the Commission mails notice of the Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Hondo Healthcare & Rehabilitation Center, Inc. TCEQ Docket No. 2007-1078-MWD-E Page 🐬

Thomas M Clarke
Name (Printed or typed)

Hondo Healthcare & Rehabilitation Center, Inc.

Authorized representative of

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
46. Brynon Perdu	11/25/2008
For the Executive Director	Date
I, the undersigned, have read and understand the attauthorized to agree to the attached Agreed Order on be signature, and I do agree to the terms and conditions sp TCEQ, in accepting payment for the penalty amount,	ehalf of the entity, if any, indicated below my ecified therein. I further acknowledge that the
I also understand that my failure to comply with the Ormy failure to timely pay the penalty amount, may result an Anegative impact on my compliance history; A negative impact on my compliance history; Greater scrutiny of any permit applications subto Referral of this case to the Attorney General additional penalties, and/or attorney fees, or to Increased penalties in any future enforcement Automatic referral to the Attorney General's Orme; and TCEQ seeking other relief as authorized by law In addition, any falsification of any compliance documents.	omitted by me; ral's office for contempt, injunctive relief, a collection agency; actions against me; ffice of any future enforcement actions against w.
Jamm num	9/22/2008
Signature	Date

President a CEO